

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Angel Riddle	Team: Squad #5	CCRB Case #: 202000475	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/27/2019 1:30 PM	Location of Incident: [REDACTED]	Precinct: 102	18 Mo. SOL 1/27/2021	EO SOL 9/13/2021	
Date/Time CV Reported Fri, 01/17/2020 1:37 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 01/17/2020 1:37 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Nicolas Perez	4778	945390	102 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Nicolas Perez	Discourtesy: Detective Nicolas Perez spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]
B.DT3 Nicolas Perez	Abuse: Detective Nicolas Perez threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On January 17, 2020, § 87(2)(b) filed this complaint with the CCRB over the phone. § 87(2)(b) filed the complaint approximately six months after the date of the incident. § 87(2)(b) initially filed the complaint anonymously, but she later identified herself to the CCRB.

In July 2019, § 87(2)(b) had a dispute with her husband, § 87(2)(b) which led to § 87(2)(b) officially alleging to the NYPD that § 87(2)(b) had stolen his phone. On July 27, 2019, at approximately 1:30 p.m., Detective Nicolas Perez of the 102nd Precinct Detective Squad attempted to call § 87(2)(b) but reached § 87(2)(b) instead. During a series of calls with § 87(2)(b) that day, Det. Perez allegedly called her a “smartass” multiple times (**Allegation A: Discourtesy**, § 87(2)(g)). Det. Perez also told § 87(2)(b) that he was going to arrest her (**Allegation B: Abuse of Authority**, § 87(2)(g)).

The investigation did not obtain any video footage in this case.

Findings and Recommendations

Allegation (A) Discourtesy: Detective Nicolas Perez spoke discourteously to § 87(2)(b)

Allegation (B) Abuse of Authority: Detective Nicolas Perez threatened to arrest § 87(2)(b)

It is undisputed that Det. Perez spoke to § 87(2)(b) during multiple calls on the date of the incident, and that he told her that she would be arrested because § 87(2)(b) had officially alleged that she stole his phone. § 87(2)(g)

In her in-person CCRB interview, § 87(2)(b) recounted that she had a dispute with her husband on the street in July 2019, during which he flagged down uniformed officers and complained to them that § 87(2)(b) had stolen his phone. Det. Perez first called her a few days later, and he told her she and § 87(2)(b) needed to come to the stationhouse. § 87(2)(b) eventually hung up on him after insisting that she did not steal § 87(2)(b)'s phone and that § 87(2)(b) did not want to press charges (BR01). Det. Perez called back and allegedly said, “Since you’re being a smartass, I am going to put a warrant out for your arrest.” Det. Perez again called § 87(2)(b) a “smartass,” and told her she would be arrested on a warrant for a particular penal code. § 87(2)(b) hung up on Det. Perez. § 87(2)(b) called Det. Perez back shortly afterward, and he asked her if she “still wanted to be a smartass.” When she filed the complaint and during a brief phone statement, § 87(2)(b) provided largely consistent accounts of Det. Perez threatening to arrest her, but she did not recount that he used any discourteous language with her (BR02-03).

Det. Perez confirmed during his CCRB interview that he told § 87(2)(b) that she would be arrested, though he denied that he specifically told her that he was going to issue an arrest warrant for her (BR04). He recounted that he had been assigned the case in the normal course of his duties on the 102nd Precinct detective squad, and that the case was based upon a Domestic Incident Report and a Complaint Report (UF61) in which § 87(2)(b) officially alleged that § 87(2)(b) had stolen his phone. § 87(2)(b)'s official complaint gave Det. Perez probable cause to arrest § 87(2)(b). During the first phone call, Det. Perez told § 87(2)(b) that she needed to appear at the stationhouse, and she said she would not appear. Det. Perez explained to her that she would be arrested because an “I-Card” would be issued for her. Det. Perez could not recall if he had already generated the I-Card by the time he first spoke to § 87(2)(b); he noted that sometimes he tries to give a suspect the opportunity to turn herself in prior to issuing an I-Card.

Det. Perez noted that § 87(2)(b) was generally “belligerent” and “nasty” during the phone conversation, and that she screamed at him that § 87(2)(b) did not want to cooperate in the case. Det. Perez testified that he maintained a professional demeanor with § 87(2)(b). He specifically denied making telling her, “Since you’re being a smartass, I’m going to put a warrant out for your arrest,” or, “You really think you’re a smartass.” He could not recall with certainty if he used the word “smartass” at all while speaking to her, but he maintained that it was not a word that he would use while speaking to a civilian. It should be noted that Det. Perez was not interviewed until more than a year after the incident.

Det. Perez further testified that he made multiple unsuccessful attempts to locate and apprehend § 87(2)(b) at her address, and that he closed the case afterward. However, the I-Card for § 87(2)(b) remains active. As a result, every 30 days the case is reopened, and Det. Perez has to make attempts to contact the complainant and to locate § 87(2)(b). He noted that he has reached § 87(2)(b) again by phone on some of these occasions. He testified that, by the time of the CCRB interview, § 87(2)(b) still needed to cooperate and that she could still be arrested as a result of the I-Card.

NYPD documentation supported Det. Perez’s testimony. His DD5 reports confirm that he attempted to call § 87(2)(b) on July 27, 2019, but he reached § 87(2)(b) instead (BR05). Three days later, Det. Perez visited § 87(2)(b)’s address but could not locate her. That same evening, Det. Perez’s supervising sergeant ran a warrant search for § 87(2)(b) (BR06), and Det. Perez then generated the I-Card (BR07). The I-Card states that there is probable cause to arrest § 87(2)(b) and it remained active at least until March 2020. Further DD5 reports confirm that Det. Perez has continued to attempt to pursue the case at regular intervals, including during a call on March 11, 2020, in which he again told § 87(2)(b) that she should turn herself in or forward Det. Perez’s information to her attorney.

§ 87(2)(g), § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b) § 87(2)(b)
- Det. Perez has been a member of service for 12 years and has been a subject in one CCRB complaint and two allegations, neither of which was substantiated.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this case.
- On October 27, 2020, the New York City Office of the Comptroller confirmed that no Notice of Claim had been filed regarding this incident (BR09).
- § 87(2)(b)

Squad No.: 5

Investigator: Angel Riddle Inv. Angel Riddle December 31, 2020
Signature Print Title & Name Date

Squad Leader: Daniel Giansante IM Daniel Giansante December 31, 2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date